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REMARKS

A few discrepancies noticed in the Office Action deserve comment for the record, although they are believed essentially clerical rather than substantive in nature.

Box 6 of the Office Action Summary omits Claims 31 and 32 that were rejected in Section 5 of the Detailed Action. It is understood that Box 6 is incorrect in that regard.

Box 7 of the Office Action Summary omits Claim 4 that is indicted as allowable in Section 6 of the Detailed Action. It is understood that Box 7 is incorrect in that regard.

The first paragraph of Page 3 of the Office Action refers to "the reference of Suzuki" and "an apparatus for controlling air-fuel ratio". Not knowing the source for that paragraph, nor the Suzuki reference mentioned, we understand that the paragraph is out of place, inasmuch as the subject matter recited in the following sub-paragraphs does not involve controlling air-fuel ratio. We further understand that the Examiner intended to refer to Kramer, not Suzuki.

Claims 2, 6, 10, 14, 18, and 22, each of which has been indicated allowable, have been re-written in independent form, while Claims 1, 5, 9, 13, 17, and 21 have been canceled. Therefore, Claims 2-4, 6-8, 10-12, 14-16, 18-20, and 22-24 are believed in condition for allowance.

The repeated word "that" in Claim 25 has been removed, but Claim 25 has otherwise not been amended. It is submitted that rejected Claim 25, as well as rejected Claims 26-33, 36, and 39, do not require amendment because

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they are not unpatentable over Kramer, as will be explained.

Claim 25 recites a "method for governing a compression ignition internal combustion engine having multiple cylinders into which a fueling system injects fuel during engine cycles, the method comprising: operating a governor in a manner that sets a governed fuel flow rate in units measured in mass of fuel per unit of time".

Because the rejection is based on 35 USC 103(a), the rejection must necessarily have recognized that the claimed subject matter is not disclosed in the reference. Yet the reason for rejection under 35 USC 103(a) does not explain why the claimed subject matter is obvious in light of the reference. Therefore, the rejection is deficient in that it does not comply with 35 USC 132 which states in part: "Whenever, on examination, any claim for a patent is rejected .. the Director shall notify the applicant thereof, stating the reasons for such rejection .. etc." The Director's own rule 37 CFR 1.104(b)(2) states in part: "The pertinence of each reference, if not apparent, must be clearly explained ..etc." No such explanation has been presented.

The one-paragraph rejection at the top of Page 4 of the Detailed Action contains no explanation of why the reference suggests to one of ordinary skill in the art the subject matter of "operating a governor in a manner that sets a governed fuel flow rate in units measured in mass of fuel per unit of time".

That one-paragraph rejection also lacks explanation of why the reference suggests to one of ordinary skill in the art the further subject matter of Claim 26, namely "the further steps of processing various data useful in

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controlling the engine including the data value for the governed fuel flow rate set by the governor and a data value for actual engine speed to yield data values, measured in mass of fuel per stroke, for quantities of fuel to be injected into the engine cylinders during ensuing strokes of pistons within the respective cylinders, and causing the fueling system to inject those quantities of fuel into the respective cylinders during respective ensuing strokes."

Claims 27-29 recite an apparatus (an engine) containing the invention described in Claims 25-26.

Claims 30-32 recite an apparatus (a control system) for implementing the invention described in Claims 25-26.

The one-paragraph rejection also lacks explanation of why the reference suggests to one of ordinary skill in the art the subject matter of any of Claims 27-32.

Claim 33 recites a "compression ignition internal combustion engine comprising: a) multiple cylinders into which a fueling system injects fuel during engine cycles; and b) an engine control system that comprises

- i) a low-idle governor for governing engine fueling to run the engine at low idle speed by issuing a fueling command measured in fueling rate units of measurement,
- ii) a conversion function for converting the fueling command from fueling rate units of measurement to quantity-per-stroke units of measurement, and
- iii) an accelerator for accelerating the engine from low idle speed by issuing a fueling command measured in quantity-per-stroke units of measurement,

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that when the engine is running at low idle speed, causes fuel to be injected into the cylinders in quantities-per-stroke set by the conversion function, and

that when the engine is accelerated from low idle speed utilizes the fueling command from the accelerator in setting the quantities-per-stroke injected into the cylinders."

Claim 36 recites an apparatus (a control system) for implementing the invention described in Claim 33.

Claim 39 recites the inventive method that is inherent in the engine described in Claim 33.

The one-paragraph at the top of Page 4 of the Detailed Action lacks explanation of why the reference suggests to one of ordinary skill in the art the subject matter of any of Claims 33, 36, and 39.

It is respectfully submitted that the Action's deficient explanation is because the subject matter of Claims 25-41 is not suggested by the reference. If the Examiner continues to believe that the subject matter of Claims 25-41 is suggested by Kramer, it is respectfully requested that the next Action contain specific reasons, as required by 37 CFR 1.104(b)(2), because those reasons are not apparent to us.

Favorable reconsideration and allowance are respectfully requested.

Conclusion

Please continue to direct correspondence to the attorney of record. However, any questions regarding the content of this paper should be directed to the undersigned.

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Contingent Deposit Account Authorization

Although it is believed that no additional claim fee is due in connection with the filing of this paper, any lawful fee determined by the Commissioner to be due with this filing may be charged to Deposit Account No. 14-0603.

Respectfully submitted,


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